

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-37921-2020(O&M)

Date of decision: 24.11.2020

Jai Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Aditya Jain, Advocate, and
Mr. Rajat Garg, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG Punjab.

Mr. Amit Dudeja, Advocate for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 345 dated 05.09.2020 registered under Section 306 IPC, at Police Station Zirakpur, District SAS Nagar (Mohali).

Learned counsel for the petitioner states that FIR No.338 dated 02.09.2020 under Sections 354, 323, 34 IPC was registered by Usha Dev-Sarpanch of the village, against complainant-Varinder Singh and others regarding an occurrence that took place on 24.08.2020. The petitioner-Ex

Sarpanch, has falsely been involved in the present case for the reason that the petitioner remained present at the time of demarcation, as family of deceased wanted to grab the common property of village adjoining to the property of the petitioner.

Learned counsel for the petitioner further states that there is no FSL report to indicate that the suicide note had been written by the deceased (Shiam Singh) himself. The cause attributed to the petitioner is still under investigation and, therefore, it cannot be said nor established at this stage that Shiam Singh had committed suicide on account of any overt-act on the part of the petitioner.

After registration of FIR No. 338 dated 02.09.2020 by co-accused Usha Devi, Sarpanch, DDR No. 50 was lodged by Sher Singh-father of the deceased, but the name of the petitioner was not in the DDR, but in the present case the petitioner has been involved there being no role.

Moreover, no role has been attributed to the petitioner. Co-accused Usha Devi, Baljit Singh, Kuldip Singh and Jagpal Singh, have been granted interim bail by this Court, vide orders dated 16.10.2020. The petitioner has been in custody since 14.09.2020 and nothing is to be recovered from him.

Copy of custody certificate by way of affidavit dated 24.11.2020 of the Deputy Superintendent, Central Prison, Patiala, submitted by the learned State counsel through email, is taken on record.

Learned State counsel assisted by learned counsel for the complainant, while vehemently opposing the prayer of the petitioner has

stated that the petitioner has been specifically named in the suicide note, no indulgence is required to be granted to the petitioner.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 14.09.2020. The case is at the stage of evidence, yet the trial will take time to conclude, especially due to prevailing situation of Covid-19. Thus, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

24.11.2020

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No